

07-01 1638

JUL 02 2003
PATENT & TRADEMARK OFFICE

AMENDMENT TRANSMITTAL LETTER			CLIENT-MATTER NO.: 66654-670 (P-LJ 4868)
SERIAL NO: 09/955,526	FILING DATE: September 12, 2001	EXAMINER: Cynthia Collins	GROUP ART UNIT:1638 CONFIRMATION NO.:8589
INVENTION: PLANT CYTOPROTECTIVE GENES AND METHODS OF USING SAME			

TO: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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TECH CENTER 1600/2900

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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DATE OF DEPOSIT: July 2, 2003

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Paul Chor

(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)

Paul Chor

(SIGNATURE OF PERSON MAILING PAPER OR FEE)

Transmitted herewith is a Response to the Restriction Requirement mailed June 2, 2003, in the above-identified application.

- ☒ Small Entity status of this application has been established under 37 CFR 1.27.
- ☐ Petition for Extension of Time is enclosed (in duplicate).
- ☐ Terminal Disclaimer with fee under 37 C.F.R. 1.20(d) is enclosed.
- ☒ No additional claims fee is required.
- ☐ An additional claims fee is required and has been calculated as shown below:

CLAIMS AS AMENDED

	NUMBER AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		NUMBER OF EXTRA CLAIMS PRESENTED		RATE			FEE	
							SMALL ENTITY	OTHER ENTITY		SMALL ENTITY	OTHER ENTITY
TOTAL CLAIMS	25	-	46	-	0	x	\$9	\$18	=	\$0	\$
INDEPENDENT CLAIMS	6	-	10	-	0	x	\$42	\$84	=	\$0	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			YES		X NO		\$140	\$280	=	\$0	\$
							TOTAL ADDITIONAL FEE			\$0	\$

* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.

** If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.

*** If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 0, write "0" in the space.

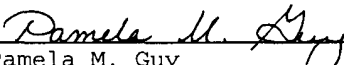
Inventor: John C. Reed
Serial No.: 09/955,526
Filed: September 12, 2001
Page 2

— Please charge my Deposit Account No. 502624 the amount of \$_____, \$_____ of which covers the fee for a _____-month extension of time. A duplicate copy of this sheet is enclosed.

X The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 502624. A duplicate copy of this sheet is enclosed.

X The Commissioner is hereby authorized to charge to Deposit Account No. 502624 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,


Pamela M. Guy
Registration No. 51,228
McDERMOTT, WILL & EMERY
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122
858-535-9001



PATENT

Our Docket: 66654-670 (P-LJ 4868)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
John C. Reed

Serial No: 09/955,526

Filed: September 12, 2001

For: PLANT CYTOPROTECTIVE
GENES AND METHODS OF
USING SAME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

) Group Art Unit: 1638
) Examiner: Cynthia Collins
)

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) Paul Choi
(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)

) Paul Choi
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

RESPONSE TO THE RESTRICTION REQUIREMENT

Responsive to the Office Action mailed
June 2, 2003, consideration of the following remarks is
respectfully requested.

REMARKS

Claims 22 to 46 are pending. The Examiner alleges that
claims 22 to 46 are directed to three distinct and independent
inventions set forth as Groups I to III as follows:

Group I: Claims 22 to 28, directed to an isolated
nucleic acid molecule corresponding to
SEQ ID NO:3 or encoding SEQ ID NO:4;

Group II: Claims 29 to 43, directed to a
non-naturally occurring plant that